For the Northern District of California

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES WHEELAND,) No. C 11-02310 EJD (PR)
Petitioner, vs.) ORDER GRANTING MOTION TO) REINSTATE HABEAS ACTION;) VACATING JUDGMENT AND) REOPENING CASE; DIRECTING) PETITIONER TO PAY FILING FEE
RANDY GROUNDS, Warden,)
Respondent.	
	_) (Docket No. 8)

Petitioner, a state prisoner, filed a <u>pro</u> se petition for a writ of habeas corpus. On January 18, 2012, the Court dismissed the instant action pursuant to Northern District Local Rule 3-11. (See Docket No. 6.)

On January 26, 2012, Petitioner filed a motion to reinstate the habeas action, asserting that the returned mailed was due to an error in the prison mail room and that his address has not changed. (Docket No. 8.) Good cause appearing, the Judgment entered on January 18, 2012, (Docket No. 7), is VACATED.

Petitioner is advised that the Court has denied his motion for leave to proceed in forma pauperis ("IFP") because Petitioner has not shown an adequate level of poverty. (See Docket No. 4.) Petitioner must pay the \$5 filing fee within thirty (30) days of the date of this order or face dismissal of this action for failure to pay

1	the filing fee.
2	The Clerk shall reopen the file, and include a copy of the Court's Order
3	Denying Motion for Leave to Proceed IFP, (Docket No. 4), with a copy of this order
4	to Petitioner.
5	This order terminates Docket No. 8.
6	
7	DATED: 5/8/2012 EDWARD I. DAVILA
8	United States District Judge
9	
10	
11	
12	
13	
14	
15	

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF CALIFORNIA

JAMES WHEELAND,	Case Number: CV11-02310 EJD
Petitioner,	CERTIFICATE OF SERVICE
v.	
RANDY GROUNDS, Warden,	
Respondent.	
I, the undersigned, hereby certify the Court, Northern District of California	at I am an employee in the Office of the Clerk, U.S. District ia.
That on 5/8/2012 attached, by placing said copy(ies) in hereinafter listed, by depositing said an inter-office delivery receptacle lo	, I SERVED a true and correct copy(ies) of the n a postage paid envelope addressed to the person(s) envelope in the U.S. Mail, or by placing said copy(ies) into cated in the Clerk's office.
James Wheeland F-93221 Soledad State Prison Soledad, CA 93960-0689	
Dated: 5/8/2012	
	Richard W. Wieking, Clerk /s/ By: Elizabeth Garcia, Deputy Clerk